



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 1, 2003

Dear Water User:

According to our records, you are the owner of a water right that is diverted from the Big Lost River into the Neilsen Ditch, then injected into and rediverted from Warm Springs Creek. Water users in Water District 34 have expressed concerns to the Idaho Department of Water Resources (IDWR) regarding accountability for diversions, including adequate accounting for the water from Neilsen Ditch that is commingled with and rediverted from Warm Springs Creek.

IDWR staff visited the Neilsen Ditch diversion with the Watermaster on April 2, 2003 and observed that the existing weir will not provide adequate measurements of the flow injected into Warm Springs Creek. IDWR requires that a properly functioning measuring device be in place for the Watermaster to allow redirection of these rights from Warm Springs Creek.

Because there is not (to our knowledge) a water user's association for the Neilsen Ditch, it is the responsibility of the water right owners that use the Neilsen Ditch injection to reinstall and maintain a weir at this location. The following table lists the total flow rate of water rights that are diverted at the Neilsen Ditch and commingled with and rediverted from Warm Springs Creek.

Water Right Owner	Total Flow Rate (cfs)
Churn Dasher Ranch	7.732
Idaho Cowboy, Inc./Wild Horse Partners, LLC	6.498
6 X Ranch, LLC	3.560
Broken River Ranch, LP	3.200
Melvin Freeman	0.900
Richard and Patricia Smith	6.000
Bette Jean, Marcia Lee, and Pernecy Kent	0.400
Gordon and Ina Mae Harris	0.016

In order to redivert water associated with these rights, an acceptable measuring device must be installed at the point of injection into Warm Springs Creek. The Watermaster will be instructed to deliver water to the points of redirection only when an equivalent amount of water is being injected into Warm Springs Creek. The Department requests that an acceptable measuring device be installed at the injection point on or before May 15, 2003. If a measuring device is not installed at this location, it will be assumed that no water is being injected and water will not be available for redirection.

Water users with groundwater permits that are dependent on the availability of mitigation water delivered to Warm Springs Creek under these rights may be required to reduce their pumping rate based on the amount of water measured at the Neilsen point of injection. If this occurs, the Watermaster or IDWR will contact these water users individually.

If you have any questions regarding this letter, please contact Tim Luke at 208-327-7864 or Jennifer Berkey at 208-327-7871.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Berkey". The signature is written in a cursive style with a large, stylized "J" and "B".

Jennifer Berkey
Water Distribution

cc: Bob Duke, Watermaster, Water District 34
Charles Wilkins
Keith Hill
Morgan Haroldsen

Mailing List**Date:** May 1, 2003**Re:** Neilsen Ditch information to Big Lost Water District 34 users.**From:** Jennifer Berkey**File Name:** 04-30NeilsenInj.doc

SCOTT JOHNSON CHURN DASHER RANCH	5366 Fish Hatchery Rd	MACKAY ID 83251
VICTOR JOHNSON CHURN DASHER RANCH	STAR RT	MACKAY ID 83251
MARY J STOECKLEIN DAVID R STOECKLEIN	PO BOX 856	KETCHUM ID 83340
BLAKE QUINN	P.O. BOX 12625	FRESNO CA 93778
MELVIN R FREEMAN	7952 So. Wilson St.	MIDVALE UT 84047
RICHARD A SMITH PATRICIA A SMITH	5797 W. 5000 No.	MACKAY ID 83251
PERNECY D KENT MARCIA LEE KENT	PO BOX 365	MACKAY ID 83251
BROKEN RIVER RANCH C/O ROY CRAWFORD	165 Phillip Rd.	WOODSIDE CA 94062
INA MAE HARRIS GORDON C HARRIS	STAR RT	MACKAY ID 83251
Charles Wilkins, 6 X Ranch	4905 Hwy 93	MACKAY ID 83251
Keith Hill		MACKAY ID 83251
Morgan Haroldsen	5660 W 4920 N	MACKAY ID 83251